XI-HC-78

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

[Single Bench: Hon'ble Mr. Justice Dhirendra Mishra]

Cr.M.P. No.580/07

PETITIONERS

1. Surbhit Dileep Barla, S/o Dileep Singh Barla, Aged about 32 years, Occupation: Advocate, Resident of Flat No.8, Second Floor, Divine-Dale Apartment, Yamuna Nagar, Nashik-422008 Maharashtra.
2. Dileep Singh Barla, S/o Sujanmal Barla, Aged about 63 years, Occupation: Management Consultant, Resident of Flat No.15, Mukti 9, Samarth Nagar, Nashik- 422005 Maharashtra.
3. Mrs. Tara Dileep Barla, W/o Dileep Singh Barla, aged about 57 years, Occupation: House-Wife, Resident of Flat No.15, Mukti 9, Samarth Nagar, Nashik- 422005 Maharashtra.
4. Vibhor Dileep Barla, S/o Dileep Singh Barla, Aged about 36 years, Occupation: Advocate, Resident of Flat No.11, Divine-Dale Apartment, Yamuna Nagar, Nashik- 422008 Maharashtra.

Vs

RESPONDENT

State of Chhattisgarh, through Police Station Mahila Thana, Raipur (CG).

12.12.2007

Mr. Ayaz Naved, Advocate for the petitioner No.1 to 3.

Petitioner No.4 in person.

Mr. G.K. Beriwal, Dy. Advocate General for the State.

Heard on I.A. No.1/07, an application for amendment.

The application is allowed. Learned counsel for the petitioners to carry out the amendment during the course of the day.

Heard on admission.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	The petitioners by this petition under Section 482 of Cr.P.C. have prayed for quashing of Criminal Case No.1216/07 pending before the court of Additional Chief Judicial Magistrate, Raipur along with charge sheet and FIR lodged by complainant Smt. Dhara Surbheet Barla, wife of petitioner No.1. Learned counsel for the petitioners submits that from perusal of the complaint itself it would be evident that petitioner No.1 was married to the complainant on 9.5.2006 at Raipur, before marriage she was employed in Mumbai, however, as desired by petitioner No.1 she left her job and started residing with her husband at Nashik (MS) and this fact clearly shows that the petitioner No.1 and his family members were not interested in money. He further submitted that except bald allegations in the complaint that her husband, father-in-law, mother-in-law and brother-in-law used to tease her on the ground that she has brought inadequate dowry and that they asked her to demand partition of property from her father else it would not be good in her interest, there is no specific allegation against them regarding harassment in connection with the demand of dowry, which is necessary ingredients for the offence punishable under Section 498A of the IPC, and does not constitute cruelty as defined in Explanation (b) to Section 498A of the IPC. Referring to the written complaint lodged by the complainant it was argued that the allegations are so general and improbable that a prudent person cannot consider the same to be true. I have heard Shri Ayaz Naved, counsel for petitioner No.1 to 3 and Petitioner No.4 in person.	

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	From perusal of the complaint it is evident that the complainant has alleged that at the time of marriage sufficient dowry was given by her parents, however, when she went to her matrimonial home she was treated with cruelty for dowry. She was asked to seek partition of the property from her father and she was not permitted to meet others because of demand made by the accused persons. There is allegation that her father deposited money in her account at Raipur and also gave other articles. Thus, there is prima facie evidence of cruelty perpetrated by the accused persons for dowry and in these circumstances the prosecution of the petitioners cannot be quashed at the initial stage, as the petitioners have not been able to make out a case for quashing of the proceeding in exercise of jurisdiction under Section 482 of the Cr.P.C. In the result, the petition has no substance, the same deserves to be dismissed and it is hereby dismissed at the admission stage itself. Sd/- DHIRENDRA MISHRA Judge	

14/1/2007